

13-002 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XVII, FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XVII (Flood Damage Prevention Ordinance) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend Chapter XVII (Flood Damage Prevention) to reflect new Advisory Base Flood Elevations and Advisory Base Flood Elevation Map dated December 12, 2012.

Chapter XVII (Flood Damage Prevention Ordinance) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter XVII, Flood Damage Prevention Ordinance, subsection 17-2 (Definitions), subsection 17-3 (General Provisions), 17-4 (Administrator), 17-5 (Variance Procedure) and subsection 17-6 (Provisions for Flood Hazard Reduction) shall be amended as follows:

17-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Advisory Base Flood Elevation (ABFE) shall mean those elevations promulgated by the Federal Office of Emergency Management on December 12, 2012 which more accurately reflect the true 1% annual change flood hazard elevations as a result of a large storm event.

Appeal through Areas of special flood related erosion hazard No Change.

Base flood shall mean the flood having a on (1%) percent chance of being equaled or exceeded in any given year as identified within the documents referenced in subsection 17-3.2. The Base Flood Elevation used to determine lowest floor elevations shall be the greater of Flood Insurance Study prepared by FEMA, DFIRM prepared by FEMA or ~~NAVD88 Elevation 13.0 (Rumson Base Flood Elevation) as observed during Hurricane Sandy and detailed within the engineering report "Hurricane Sandy Flood Elevation Evaluation" prepared by T&M Associates, dated November 11, 2012.~~ the Advisory Base Flood Elevation Map, prepared by FEMA, dated December 12, 2012.

Basement through Breakaway Wall No Change.

Coastal high hazard area shall mean an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources including V, VE and Coastal A Zones.

Development through Variance No Change.

17-3 GENERAL PROVISIONS.

17-3.1 Lands to Which This Chapter Applies. No Change.

17-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Borough of Rumson, Community No. 345316, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. No Change.

- b. ~~Engineering Report “Hurricane Sandy Flood Elevation Evaluation” prepared by T&M Associates, dated November~~ Advisory Base Flood Elevation Map, prepared by FEMA, dated December 12, 2012.

The above documents and designations are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at Borough Hall, 80 East River Road, Rumson, New Jersey, 07760-1526.

17-3.3 Penalties for Noncompliance. through 17-3.6 Warning and Disclaimer of Liability.

No Change.

17-4 ADMINISTRATION.

17.4.1 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 17-3.2. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. The Advisory Base Flood Elevation made applicable to the subject property by this Ordinance, with homeowners affidavit.

Note: b through d No Change. *but renumber b as c, e as d, f as e*

17.4.2 Designation of the Local Administrator. No Change.

17.4.3 Duties and Responsibilities of the Local Administrator.

Duties of the Construction Official shall include, but not be limited to:

- a. *Permit Review.*
 1. through 4. No Change.
 5. Review plans for walls to be used to enclose space below the greater of the advisory base flood elevation or the base flood level in accordance with subsection 17-6.3b.4.
- b. *Use of Other Base Flood and Floodway Data.* When base flood elevation, advisory base floor elevation and/or and floodway data has not been provided in accordance with subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any advisory base flood elevation, base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsection 17-6.2. Specific Standards, paragraph a., Residential Construction, and paragraph b., Nonresidential Construction.
- c. *Information to be Obtained and Maintained.* through e. *Interpretation of FIRM Boundaries.*

No Change.

17-5 VARIANCE PROCEDURE.

17-5.1 Appeal Board. No Change.

17-5.2 Conditions for Variances.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, or advisory base flood level, providing items (1.-11.) in subsection 17-5.1d. have been fully considered. As the lot size

increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

b. through e. No Change.

- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation or advisory base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

17-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

17-6.1 General Standards.

In all areas of special flood hazards the following standards are required:

a. *Anchoring.* through c. *Utilities.* No Change.

d. *Subdivision Proposals.*

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Advisory Base Flood Elevation and Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

e. *Enclosure Openings.* No Change.

17.6.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data or advisory base flood elevation data has been provided as set forth in subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood and Floodway Data, the following standards are required:

The Base Flood Elevation used to determine the lowest floor elevation of a structure shall be the greater of:

1. through 2. No Change.

3. ~~NAVD88 Elevation 13.0 as detailed within Engineering Report "Hurricane Sandy Flood Elevation Evaluation" prepared by T&M Associates, dated November 2012~~ Advisory Base Flood Elevation Map, prepared by FEMA, dated December 12, 2012.

- a. *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated to or above the greater of the base flood elevation or the advisory base flood elevation;

Within any AO zone on the Borough of Rumson's FIRM or the Advisory Base Flood Elevation Map that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- b. *Nonresidential Construction.* In an area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. Either have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to the level of the greater of the base flood elevation or the advisory base flood elevation; and

2. Within any AO zone on the municipality's FIRM or the Advisory Base Flood Elevation Data that all new Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

1. Be floodproofed so that below the greater of the base flood level or the ABFE level, the structure is watertight with walls substantially impermeable to the passage of water;
2. through 3. No Change.

c. *Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 17-4.3.a.2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the greater of the base flood elevation or the advisory base flood elevation.

17.6.3 Coastal High Hazard Area.

Coastal high hazard areas (V or VE and Coastal A Zones) are located within the areas of special flood hazard established in subsection 17-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. Location of Structures. No Change.

b. Construction Methods.

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the greater of the base flood elevation or the ABFE base flood level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Paragraph b.4 of this subsection.

2. Structural Support. through 4. Space Below the Lowest Floor. No Change.

c. *Sand Dunes.* No Change.

SECTION 2.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3.

This ordinance shall take effect upon final passage and publication according to law.

Introduced: January 15, 2013.

Passed and Approved:

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator